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SUBJECT: TURKEY--2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: A. 2009 STATE 59732
[1](#)B. 2009 STATE 5577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Turkey of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Turkey and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Turkey of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing

the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Turkey's country narrative in the 2009 TIP Report:

Turkey (TIER 2)

Turkey is a destination and, to a lesser extent, transit country for women and children predominately from Eastern Europe and the former Soviet Union trafficked primarily for the purpose of commercial sexual exploitation and, to a lesser degree, for the purpose of forced labor. Source countries for identified trafficking victims in 2008 included: Turkmenistan, Uzbekistan, Moldova, Kyrgyzstan, Russia, Georgia, Ukraine, Azerbaijan, Romania, Kazakhstan, Belarus, Bulgaria, Indonesia, and Morocco. According to Armenian NGOs and the Government of Armenia, the trafficking of Armenian women to Turkey for the purpose of sexual exploitation continued to be a problem, although the Government of Turkey did not identify any such victims in ¶2008. Four foreign child victims were documented over the last year. The number of Uzbek and Turkmen victims increased in 2008. Some victims are reportedly trafficked through Turkey to the area administered by Turkish Cypriots for the purpose of sexual exploitation. Although a much smaller problem, some internal trafficking involving Turkish citizens in both the legal and illegal prostitution sectors is believed to occur.

The Government of Turkey does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Law enforcement continued to successfully target and disrupt trafficking networks and the government improved its prosecution of trafficking offenders in 2008. The government's anti-trafficking efforts were constrained, however, by inconsistent identification, referral, protection, and assistance to trafficking victims in Turkey. Recommendations for Turkey: Ensure consistent and sustained assistance for trafficking victims, including adequate government funding of shelters in Ankara and Istanbul; expand shelter capacity for victims; consider including NGOs and international organizations more consistently in the identification and interviewing process; take steps to identify trafficking victims within vulnerable populations in Turkey; continue to vigorously prosecute trafficking offenses and convict public officials complicit in trafficking; and expand awareness efforts to educate the public about the demand for commercial sex acts and its links to trafficking. Prosecution

The Government of Turkey sustained vigorous anti-trafficking law enforcement and prosecutorial efforts in 2008. Article 80 of the Penal Code prohibits trafficking for both sexual exploitation and forced labor, and prescribes penalties of from 8 to 12 years, imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other grave crimes, such as sexual assault. The Government of Turkey prosecuted 69 cases involving 273 suspected traffickers in 2008, a significant increase from 160 suspected traffickers prosecuted in 2007. The government reported securing the convictions of 58 trafficking offenders in 2008. The government expanded its use of Article 80 in 2008, convicting 13 traffickers under the trafficking-specific article, a three-fold increase from

12007. The 13 convicted traffickers received sentences averaging eight years, imprisonment. Other trafficking offenders were convicted using Article 227, an older anti-trafficking statute. Penalties imposed on traffickers convicted under Article 227 averaged three to four years, imprisonment. Six traffickers convicted under other related articles received a sentence of two to four years, imprisonment. The government continued to institutionalize and implement comprehensive law enforcement training in 2008.

The government reported investigating 25 security officials for trafficking-related complicity in 2008. In January 2008, the government secured the conviction of a Court of Appeals Judge for aiding traffickers; he was sentenced to two years, imprisonment, although the court subsequently reduced the sentence to probation and a prison term of one year and eight months. In June 2008, the government obtained the conviction of a judicial hall employee to one year and six months, imprisonment and barred him from public service for one year for trafficking-related complicity. Turkish law, however, allows for the suspension of prison sentences of two years or less under certain conditions. The government continued an investigation of a prison warden who was arrested and jailed in February 2007 for facilitating trafficking activities. The government reported improvements in anti-trafficking cooperation with some governments during the reporting period. Lack of cooperation with other source countries, however, hampered the government's ability to investigate and prosecute some traffickers.

Protection

The government's overall protection efforts for victims of trafficking did not improve during the reporting period. Turkey failed to provide adequate direct funding for its two trafficking shelters and the overall number of trafficking victims identified dropped for a second consecutive year. In June 2008, Istanbul's municipal government suspended the provision of free rent to Istanbul's shelter, despite a signed protocol between the municipality and the shelter stipulating otherwise. Although the government continues to report that it is focused on finding a long-term financial solution to this problem, it has yet to commit adequate funding to either of its shelters in Ankara and Istanbul. However, the Ministry of Foreign Affairs has pledged and begun disbursing approximately \$20,000 per year to each shelter for three years beginning in 2009. Both shelters continue to require perennial outside donor funding. These two NGO-run shelters provided care to 83 trafficking victims, a decline from 109 in 2007. In 2008, the government identified a total of 118 trafficking victims, a decline from 148 in 2007; IOM facilitated the repatriation of 78 of these victims.

Due to inconsistent implementation of the government's referral mechanism, some victims are not identified prior to being deported. Gaps in the referral process also resulted in some victims not receiving adequate care and assistance after providing information about their traffickers to law enforcement. While the government encouraged victims to participate in trafficking investigations and prosecutions, very few trafficking victims choose to testify in court cases against their traffickers, possibly because they feared retribution from their traffickers, but also because court proceedings are lengthy. The government also reported that many victims from neighboring source countries request to immediately return to their country of origin. During the reporting period, the government passed a general witness protection law, which may encourage more trafficking victims to testify against their traffickers. The government offers victims legal alternatives to their removal to countries where they would face retribution or hardship. Foreign victims may apply for humanitarian visas and remain in Turkey up to six months with the option to extend for an additional six months. Few such visas are issued, however; the government issued only two in 2008.

Prevention

The government sustained its anti-trafficking prevention efforts during the reporting period. The government's interagency task force met more frequently in 2008 and

assumed a stronger role in coordinating the government's anti-trafficking efforts. In 2008, the government published its second annual report on combating human trafficking and, with EU and IOM support, planned and supported via state TV and other free advertising, a campaign aimed at raising awareness of the national anti-trafficking (&1578) hotline.

However, it failed to adopt a new National Action Plan; the plan has awaited formal adoption for over a year. Although the government signaled in 2007 that it would take over funding and operation of the &1578 hotline from IOM, it has yet to do so. The Turkish government provided anti-trafficking training to its military personnel prior to their deployment aboard for peacekeeping duties. The government did not report any measurable steps to reduce demand for commercial sex acts during the year.

¶9. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims' labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1 -- or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier

¶3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers' home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries' "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers' profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was Turkey given a ranking of Tier 2?

A: The Government of Turkey does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so.

Q2: What progress has Turkey made in the past year?

A: Law enforcement continued to successfully target and disrupt trafficking networks and the government improved its prosecution of trafficking offenders in 2008. The government's anti-trafficking efforts were constrained, however, by inconsistent identification, referral, protection, and assistance to trafficking victims in Turkey.

Q3: What can Turkey do to improve its fight against trafficking in persons?

A: To improve its anti-trafficking performance, the Turkish government could: ensure consistent and sustained assistance for trafficking victims, including adequate government funding of shelters in Ankara and Istanbul; expand shelter capacity for victims; consider including NGOs and international organizations more consistently in the identification and interviewing process; take steps to identify trafficking victims within vulnerable populations in Turkey; continue to vigorously prosecute trafficking offenses and convict public officials complicit in trafficking; and expand awareness efforts to educate the public about the demand for commercial sex acts and its links to trafficking.

¶12. The Department appreciates posts' assistance with the preceding action requests.

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